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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,908	09/01/2000	Sam Khavari	P3938	6546
24739	7590	08/08/2006		EXAMINER
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			BLACKWELL, JAMES H	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/653,908	KHAVARI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 July 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 22-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/05/2006 has been entered.
2. The oldest priority date listed by the original application is **12/08/1998**.
3. Claims 22-33 remain pending in the amendment.
4. Claims 22, and 28 are independent claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 23, 25, 26, 28, 29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al. (hereinafter Shelton, U.S. Patent No. 5,951,643 filed 10/06/1997, issued 11/14/1999) in view of Bauersfeld et al. (hereinafter Bauersfeld, U.S. Patent No. 6,195,679 filed 01/06/1998, issued 02/27/2001), and in further view of Bryant (U.S. Patent No. 6,286,046 filed 12/22/1997, issued 11/04/2001).

**In regard to independent Claim 22 (and similarly independent Claim 28),**

Shelton discloses the limitation of a *session recording mechanism operable by a first user for recording user Web navigation and interaction activity required for data collection associated with a manual navigation and interaction sequence* (Fig. 2, combination of WTS Gateway and applets).

Shelton fails to disclose interactions *comprising a plurality of web sites*. However, Bauersfeld discloses a similar system recording actions made by a web browser user during a browsing session (Col. 3, lines 23-49; suggests multiple web sites are visited). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Shelton and Bauersfeld as both inventions relate to recording and playing back web-browsing sessions. Adding the teaching of Bauersfeld provides

the benefit of recording and playing back sessions wherein multiple web sites are visited.

Shelton also fails to explicitly disclose the limitation of a *login mechanism for storing login information for one or more second users for individual ones of the plurality of sites visited in the manual sequence*. However, Bryant discloses this (Col. 6, lines 30-42; describes logging usernames passwords in order to be able to replay later). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Shelton, Bauersfeld, and Bryant as all three inventions relate to recording and playing back web-browsing sessions. Adding the teaching of Bryant provides the benefit of recording and playing back sessions wherein multiple web sites are visited and where another user can easily navigate to sites requiring prior input.

Shelton fails to particularly disclose the limitation of a *file creation module for converting operations recorded in the manual sequence into an executable sequence of instructions for conducting an automated sequence*. However, Bauersfeld discloses a session navigation and recording system that generates session paths which can be executed by a user to replay a previous navigation to quickly get back to content (Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Shelton and Bauersfeld as both inventions relate to recording and playing back web-browsing sessions. Adding the teaching of Bauersfeld provides the benefit of recording navigation steps and converting those steps into a form, which can be selected and played back at a later time by others.

Shelton discloses the limitation *wherein the system follows the manual sequence, creates the automated sequence, and performs the automated sequence on behalf of the second user at least once after creation, including logging in to individual ones of the sites on behalf of the second user using the login information for the second user, and storing and aggregating data collected in the automated sequence and transmitting the aggregated data to the second user* (Col. 18, line 26 to Col. 20, line 50).

**In regard to dependent Claim 23 (and similarly dependent Claim 29),** Shelton discloses the limitation that *the file-creation module includes a function for creating an executable icon for launching the automated sequence* (Fig. 19; item 1904 discloses a button).

**In regard to dependent Claim 25 (and similarly dependent Claim 31),** Shelton discloses the limitation that *the automated sequence includes automation of any one of form-population, data-downloading, media-interaction, data-searching, and hyper-linking* (Col. 5, lines 10-19; records form population for playback Fig. 18).

**In regard to dependent Claim 26 (and similarly dependent Claim 32),** Shelton discloses *the application is implemented as a browser plug-in containing a user-configuration tool* (Fig. 2, items 146, 149 applets are downloaded and managed recording).

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7. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton in view of Bauersfeld, and in further view of Bryant, and in further view of Lehman et al. (hereinafter Lehman, U.S. Patent No. 6,292,186 filed 11/06/1998, issued 09/18/2001).

**In regard to dependent Claim 24 (and similarly dependent Claim 30), Shelton** fails to disclose the limitation that *the executable sequence of instructions are XML instructions*. However, Lehman discloses an example of using XML for such a purpose was well known to those of ordinary skill in the art at the time of invention and therefore obvious (Col. 4, lines 34-37). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Shelton and Lehman as both inventions relate to storing instructions for later use. Adding the teaching of Lehman provides the benefit of using XML to encode an executable sequence of steps.

8. Claims 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton in view of Bauersfeld, and in further view of Bryant, and in further view of Kisor (U.S. Patent No. 5,809,250 filed 10/23/1996, issued 09/15/1998).

**In regard to dependent Claim 27 (and similarly dependent Claims 33),** Shelton fails to disclose the limitation that *the automated sequence is created as a result of manual user programming instead of recording a manual sequence*. However, Kisor discloses that if one can edit, one can annotate (Abstract) suggesting that one can add new steps to the session sequence, or indeed manually create a session. It would

have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Shelton and Kisor as both inventions relate to recording and playing back web-browsing sessions. Adding the teaching of Kisor provides the benefit of manually creating a session sequence.

***Response to Arguments***

9. Applicant's arguments with respect to claims 22-33 have been considered but are moot in view of the new ground(s) of rejection. The combine new prior art of Shelton, Bauersfeld, Bryant, Kisor, and Lehman are believed to describe the claimed invention.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell  
08/01/2006

*William F. Bashore*  
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PRIMARY EXAMINER